

**United States District Court**  
**for**  
**Southern District of Ohio**  
**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **John Alphonso Smith**Case Number: **1:02CR00150**Name of Sentencing Judicial Officer: **The Honorable Sandra S. Beckwith, Chief United States District Judge**Date of Original Sentence: **December 5, 2003**Original Offense: **Bank Fraud**Original Sentence: **21 months prison, 60 months supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **February 14, 2005**Assistant U.S. Attorney: **To be assigned**Defense Attorney: **Richard Smith-Monahan**

**PETITIONING THE COURT**

- To issue a warrant
- To issue a summons
- To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	Condition #2: You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month. Smith failed to report for scheduled office visit on February 23, 2005. Furthermore, he has made no contact with the Probation Department since February 17, 2005.
#2	Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Smith tested positive for cocaine on February 17, 2005.

U.S. Probation Officer Recommendation: On February 17, 2005, Smith reported to the United States Probation Department for the District of Arizona in Phoenix despite being advised that his request to relocate to their district was rejected. The Probation Department in the District of Arizona instructed Smith that he must report to the Probation Department in Cincinnati, Ohio on February 23, 2005. Smith failed to report on February 23, 2005. Additionally, he has not made contact with the Probation Department in Cincinnati, Ohio. Thus, it is respectfully recommended that a warrant be issued for Smith's arrest.

The term of supervision should be

- Revoked.  
 Extended for years, for a total term of years.  
 Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)  
 The conditions of supervision should be modified as follows:

Respectfully Submitted By,

Mark R. Grawe  
U.S. Probation Officer  
Date: March 3, 2005

Approved By,

John C. Cole  
Supervising U.S. Probation Officer  
Date: March 3, 2005

---

THE COURT ORDERS:

- No Action  
 The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.  
 The Issuance of a Summons  
 The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.  
 Other

Signature of Judicial Officer

3/11/05